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Fuel Product/Non-Hazardous Secondary Materials Rule: U.S. Environmental Protection Agency Addresses Request for Non-Waste Fuel Determination

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The United States Environmental Protection Agency (“EPA”) in an April 5th letter addressed a request from Fiberight, LLC (“Fiberight”) for a determination as to whether a fuel product (EcoRight) is a non-waste fuel product under the Non-Hazardous Secondary Materials (“NHSM”) rule.

EcoRight is stated to be produced at the Coastal Resources of Maine, LLC (“CRM”) Advanced Waste Processing Facility.

The relevant regulations require that processing of NHSM meet the definition of processing in 40 CFR 241.2. Further, after processing, the NHSM must also meet the legitimacy criteria for fuels in 40 CFR 241.3(d)(1). The applicable emission standards under Section 129 of the Clean Air Act will apply to units that combust NHSM as fuels if they do not meet the previously referenced regulations.

Fiberight is stated to have submitted to EPA a lab report containing contaminant, moisture, and heating value data for several samples obtained over several production days. The company is further stated to have concluded that EcoRight meets the legitimacy criteria and should be considered a non-waste fuel when combusted in energy recovery units that would otherwise combust coal – provided the specifications identified in its request are maintained.

EPA concludes that based on the information submitted by Fiberight and supplemental materials, along with additional information provided to agency staff, that EcoRight would be considered a non-waste fuel under the 40 CFR Part 241 regulations when combusted in a unit designed to burn coal – provided the specifications identified in the company’s request are maintained.

EPA’s April 5th letter provides the basis for its conclusions. Sections of the letter include:

- Background Information on EcoRight
- Processing
- Waste Evaluation
- Mechanical Separation
- Briquetter Skid
- Legitimacy Criteria
- Manage as a Valuable Commodity

- Meaningful Heating Value and Used as a Fuel to Recover Energy
- Comparability of Contaminant levels

A copy of the letter can be downloaded [here](#).